

REMARKS

I. Introduction

Claims 1 to 9 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for allowance, and reconsideration is respectfully requested.

II. Objection to the Drawings

As regards the objection to the drawings, the Examiner will note that Figs. 4 and 5 have been amended herein to include text in the boxes in the flow charts. No new matter has been added. In view of the foregoing it is respectfully submitted that the present objection has been obviated, and withdrawal of this objection is respectfully requested.

III. Allowable Subject Matter

As an initial matter, Applicants note with appreciation the indication of allowable subject matter contained in claims 4 and 5.

IV. Rejection of Claims 1 to 3 and 6 to 9 Under 35 U.S.C. § 102(b)

Claims 1 to 3 and 6 to 9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,278,913 ("Delfosse et al."). Applicants respectfully submit that Delfosse et al. does not anticipate the present claims for at least the following reasons.

It is initially noted that page 3 of the Office Action indicates that claims 1 to 9 are rejected, while page 4 of the Office Action indicates that claims 4 and 5 include allowable subject matter. Clarification is respectfully requested.

Delfosse et al. generally describe a system for active noise cancellation. In contrast, claim 1 relates to a method for analyzing a drive system. Claim 1 recites successively applying a plurality of noise signals to the drive system as input signals, and claim 1 recites that the noise signals cover different frequency ranges. Figures 1 to 3 of Delfosse et al. fail to disclose, or even suggest, successively applying a plurality of noise signals covering different frequency ranges. Rather, the cited figures of Delfosse et al. only show an injection of noise into a system. That is, Figures 1 to 3 fail to disclose, or even suggest, noise signals that cover different frequency ranges.

Claim 1 also recites determining a transfer function of a target system within the drive system in accordance with the noise signals applied to the drive system in the applying step. Figures 1 to 3 of Delfosse et al. fail to disclose, or even suggest, determining a

transfer function. In addition, the text of Delfosse et al. also fails to describe, or even suggest, how a transfer function of the loudspeaker is determined, only that the transfer function is unity.

It is “well settled that the burden of establishing a *prima facie* case of anticipation resides with the [United States] Patent and Trademark Office.” *Ex parte Skinner*, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As more fully set forth above, it is respectfully submitted that Delfosse et al. do not disclose, or even suggest, all of the features recited in claim 1. As such, it is respectfully submitted that Delfosse et al. do not anticipate claim 1.

Since claims 8 and 9 include features analogous to features included in claim 1, it is respectfully submitted that Delfosse et al. do not anticipate claims 8 and 9 for at least the same reasons more fully set forth above.

As regards claim 2, 3 and 6 to 7, which ultimately depend from claim 1 and therefore include all of the features included in claim 1, it is respectfully submitted that Delfosse et al do not anticipate these dependent claims for at least the same reasons more fully set forth in support of the patentability of claim 1.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached one (1) sheet of drawings includes changes to Figs. 4 and 5. The replacement sheet, which includes Figs. 4 and 5, replaces the original sheet including Figs. 4 and 5. Figs. 4 and 5 have been amended to include text in the boxes of the flow charts. No new matter has been added.

Attachment: One (1) 1 replacement sheet.